

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Clinton R. Taylor, on behalf of Christina Taylor Spriggs, deceased,)	Civil Action No.: 1:11-3222-MGL
)	
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Michael J. Astrue, Commissioner of Social Security,)	
)	
)	
Defendant.)	
)	

Through this action, Clinton R. Taylor, on behalf of Christina Taylor Spriggs, deceased (“Plaintiff”), seeks judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying the decedent’s claim for Disability Insurance Benefits (“DIB”).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D. S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On November 30, 2012, the Magistrate Judge issued a Report and Recommendation (“Report”) in which she determined that the Commissioner's decision was not supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the case be remanded pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings consistent with the Report.

Plaintiff has not filed objections to the Report. On December 17, 2012, the Commissioner filed a Notice of Not Filing Objections to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination

of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to her with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and incorporates it herein by reference. However, the court expresses no opinion as to the merits of claimant’s application for benefits. The Commissioner’s final decision is **reversed** and **remanded** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

January 15, 2013
Spartanburg, South Carolina